

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

JOSEPH B. THOMPSON v. STATE OF TENNESSEE

**Appeal from the Criminal Court for Sullivan County
No. C49,123 R. Jerry Beck, Judge**

No. E2004-01398-CCA-R3-PC - Filed April 21, 2005

The petitioner, Joseph B. Thompson, appeals from the Sullivan County Criminal Court's dismissal of his petition for post-conviction relief, in which he challenged his 2001 jury conviction of misdemeanor theft on the grounds that he received ineffective assistance of trial counsel and that the trial court committed certain errors. The state has moved this court to affirm the order of dismissal pursuant to Tennessee Court of Criminal Appeals Rule 20. We sustain the motion and affirm the order.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court Affirmed
Pursuant to Rule 20, Rules of the Court of Criminal Appeals**

JAMES CURWOOD WITT, JR., J., delivered the opinion of the court, in which JOSEPH M. TIPTON, J., and NORMA MCGEE OGLE, J., joined.

Mark H. Toohey, Kingsport, Tennessee (on appeal), for the Appellant, Joseph B. Thompson.

Paul G. Summers, Attorney General & Reporter; and Michelle Chapman McIntire, Assistant Attorney General, for the Appellee, State of Tennessee.

MEMORANDUM OPINION

The petitioner asserts that a Sullivan County jury convicted the petitioner of misdemeanor theft on January 30, 2001, and the petitioner did not file a direct appeal. He filed the petition for post-conviction relief now under review on or about May 4, 2004. The post-conviction court found that the petition was barred by the post-conviction statute of limitations and dismissed the petition.

When no appeal is taken from a conviction, a post-conviction petition challenging that conviction is barred unless it is filed within one year of the date on which the judgment became final. Tenn. Code Ann. § 40-30-102(a) (2003). Thus, in the present case, the petition was barred, and the criminal court properly dismissed it.

The order of the criminal court is affirmed pursuant to Rule 20 of the Rules of this court.

JAMES CURWOOD WITT, JR., JUDGE